IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6209 OF 2005
IN
CRIMINAL APPEAL NO. OF 2005

The State of Maharashtra ..Applicant.

V/s.

Bajirao Madhukar Kadam & Another. ..Respondents.

Mr. V.B.Konde-Deshmukh, APP for the Applicant.

Mr. H.S. Venegavkar for Respondent No.1.

CORAM : D. G. DESHPANDE
S. A. BOBDE, JJ.
DATED : 15TH JUNE, 2006.

P.C.:

1. Heard both the sides. This Application is filed by the State for grant of leave to Appeal against the judgment and order of acquittal passed by the trial court. The case of the prosecution is that accused No.1 pushed the deceased Vinod into a well. The trial court found that the date when the incident took place was the day of immersion of Ganapati idols. The procession was started and the villagers saw the victim, standing on the parameters of the wall of the well. According to the prosecution, the deceased was pushed from behind. Witnesses Nos. 2 and 3 in the cross-examination admitted that the deceased himself jumped into the well.

There is also evidence on record that the deceased had consumed alcohol. All the evidence has been minutely considered and discussed by the trial court and the accused is acquitted. We do not find that in the circumstances, it can be said beyond any reasonable doubt that the accused alone was responsible for the homicidal death of the deceased. Therefore, no interference is called for. Application is rejected. Leave is refused.

2. The Appeal is dismissed.

(D.G.DESHPANDE,J)

Dt.15.06.2006

(S.A. BOBDE, J)

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